

PARENTING TIME ("Visitation")

3

Part 3: Responding to the Petition



SELF-SERVICE CENTER
TO ESTABLISH PARENTING TIME
("Visitation")

RESPONDENT ONLY

PART 3 -- RESPONDING TO THE PETITION

This packet contains court forms and instructions to respond to parenting time papers. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRV3t	Table of forms/instructions in this packet	1
2	DR3k	Checklist on Response	1
3	DRV31h	Help on completing <i>"Response to Petition"</i>	5
4	DRV31f	<i>"Response to Petition"</i>	6
5	DRCVG11h	<i>"Parenting Time Guidelines"</i>	6
6	DRAD10h	When and how to use <i>"Alternative Dispute Resolution (ADR) Statement to the Court"</i>	3
7	DRAD10f	<i>"Alternative Dispute Resolution (ADR) Statement to the Court"</i>	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF-SERVICE CENTER FORMS

RESPONSE TO PETITION AND PAPERS

CHECKLIST

Use the forms in this packet **ONLY** if the following factors apply to your situation:

- ✓ You want to file a response to a petition regarding custody, parenting time (formerly known as “visitation”), with or without support, that another party filed in court.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

SELF-SERVICE CENTER

INSTRUCTIONS FOR HOW TO RESPOND TO PARENTING TIME (formerly known as "VISITATION") PAPERS

WHEN TO USE THIS FORM:

Use this form if you want to respond to a petition to get a first court order of parenting time.

IMPORTANT INFORMATION ABOUT WHEN YOU MUST FILE YOUR RESPONSE

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** to respond falls on a Saturday, Sunday, or legal holiday, you **DO NOT** count that day.
- **INCLUDE WEEKENDS AND HOLIDAYS IN YOUR COUNT** - until you reach the number of days in the timetable below. If a written response is filed with the court on time, the Petitioner **CANNOT PROCEED BY DEFAULT**.

DEFAULT TIME TABLE

SERVICE BY

COUNT

EVENT

Acceptance	20 Days	after respondent signed the Acceptance
Acceptance out-of-state	30 Days	after respondent signed the Acceptance
Process Server	20 Days	after respondent received papers from Server
Sheriff in Arizona	20 Days	after respondent received papers from Sheriff
Sheriff out-of-state	30 Days	after respondent received papers from Sheriff
Registered Mail	30Days	after respondent signed the green receipt
Publication	60 Days	after the 1st date of publication

IMPORTANT NOTICE ABOUT WHEN YOU CAN BE SUED AS A DEFENDANT/ RESPONDENT IN ARIZONA FOR PATERNITY OR CHILD SUPPORT:

A defendant/respondent can be sued in Arizona in a case establishing, enforcing, or changing a support order, or establishing paternity, if ONE of the following is true about the defendant/respondent:

- The person is a resident of Arizona
- The person was personally served in Arizona (see packet on service to know about this)
- The person agrees to have the case heard here and files written papers in the court case;
- The person lived with the child in this state at some time;
- The person lived in this state and provided pre-birth expenses or support for the child;
- The child lives in this state as a result of the acts or directions of the person;
- The person had sexual intercourse in this state as a result of which the child may have been conceived;
- The person signed a birth certificate that is filed in this state;
- The person did any other acts that substantially connect the person with this state (see a lawyer to help you determine this).

WARNING: Jurisdiction over the defendant/respondent is very serious. If you have any doubts about whether it was proper for the plaintiff **or** petitioner to sue you in Arizona, you should see a lawyer **IMMEDIATELY, BEFORE** you file any written response or answer or other court paper.

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:

Domestic violence can be part of any relationship. Domestic violence includes **physical violence** such as hitting,

slapping, pushing or kicking, directed against you and/or your children. Domestic violence can also include **threats** of physical violence made against you and/or your children, and/or **regular verbal abuse** used to control you. The other party does NOT need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

All court documents will request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known in order to protect yourself or your children from further violence, **you must file for an "Order of Protection" first and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your divorce papers.** If possible, get a P.O. box or use another valid address on these papers. If you have no P.O. Box or other address or phone where you can be reached when you file, write "**protected**" where asked for this information and **as soon as possible**, update the clerk of the court with an address and phone number.

INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARTY WITH THE PETITION ABOUT PARENTING TIME

"SUMMONS:" You have been summoned to appear in court. The **"Summons"** tells you how many calendar days you have to file a response, depending on how you were served with the court papers. Be sure to file a WRITTEN RESPONSE on time. If the time for you to file a **WRITTEN RESPONSE** has passed, the other party must complete an **"Application and Affidavit for Entry of Default"** and send you a copy of that. Then you have 10 more days in which to file **your WRITTEN RESPONSE**. If you do not file a WRITTEN RESPONSE on time, a Default Judgment can be entered, which means that you might not get to tell the judge your side of the story.

PETITION FOR PARENTING TIME: This is the form the other party completed to tell the court his/her side of the story about the parenting time. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:

1. **DO NOTHING.** This means the other party can get a court order and tell the judge his/her side of the story, without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is **never** a good idea to ignore the court proceeding and have a court order that you had no input on.
2. **DECIDE WITH THE OTHER PARTY HOW YOU WANT TO HANDLE EVERYTHING CONCERNING PARENTING TIME.** Then you and the other party file papers in the court stating your agreement on everything. This is called a **"Consent" or "Stipulation."** This is often the best way to proceed, if you and the other party can talk about the critical issues to decide how you both want to handle everything. Mediators can help you with this. The Self-Service Center has a list of mediators, and how much they charge to help you.
3. **PROTEST WHAT THE OTHER PARTY STATED IN THE PETITION** and file a **"Response"** stating your side of the story, and how you want to handle everything. **This is called a contested matter.**

But, even if you originally file a response, you and you other party can still decide to agree on something, or everything, and file court papers for a **Consent or Stipulation.** Mediators can help you with this. The Self-Service Center has a list of mediators, and how much they charge to help you. If you file a response and do not settle everything with the other party, you must be sure to file the court papers you will need to set the case for trial.

HELP ON COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION TO ESTABLISH PARENTING TIME:

Use this form if you want to RESPOND OR ANSWER a **"Petition to Establish Parenting Time."**

- A. Make sure your form states RESPONSE TO PETITION FOR PARENTING TIME in the upper right hand part of the page.
- B. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and ZIP code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.
- C. Fill in the name of "Petitioner" and "Respondent" exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on.
- D. Use the case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on.

A. General information:

- 1. Fill in the name, address, date of birth and social security number for the petitioner. This is basic information about the relationship to the children for whom the person wants the parenting time order.
- 2. Fill in the information about you.
- 3. Fill in information about all the children for whom the other party wants parenting time. The same persons should be the mother and the father for all the children for whom you want this order.

B. Statements about paternity AND child custody AND child support.

In this section you will tell the court what the current situation is.

- 4. **What is the current status of paternity in this case?** Mark whichever box describes your case.
 - **ORDER:** Mark whichever box describes your case. On the first line, print the date the Order was signed. On the second line, print the County where the Order was made. On the next line, print the name of the father.
 - **OTHER:** Mark this box if you do not have a formal court order for paternity but you do have a court order for child support.
- 5. **What is the current status of child custody?** Mark the box that describes who has custody now. If neither the father nor mother have physical custody, be sure to complete all the information about who has the child(ren) and why.
- 6. **What is the current situation as to child support?** Give the date of the child support order on the case.
- 7. **State here what you say about paternity, custody, or support that is different from what the other party asked for.** This is because the form of petition the other party used might not be from the Self-Service Center, and so it might be arranged a little differently than this form of response.

C. Other information about the children: If you are aware of court cases about the children, you need to tell the court that. Attach a copy of the orders about custody, visitation, or child support to the petition, unless the orders are from the Superior Court in Maricopa County.

- 8. Fill out where the child(ren) involved in this action have been living **for the past 5 years**; if the child(ren) are under age 5, simply put information since their birth. Write each child's name; the address where each child lived; what dates each child lived at each address; who each child lived with; and the relationship of that

person to the child(ren). While you may not remember exact dates and addresses when you moved from one location to another, fill this information out **as completely as possible**.

9. You must tell the court if you participated as a party or witness in any court case involving custody or parenting time of the child(ren). If not, mark the first box and GO ON. If there is another case, mark the second box and give as much information as possible. This information could affect you or your children's rights in this case.
10. The court **MUST** know if there have been other cases involving custody, parenting time or child support of the children of this paternity action, even if you were not a party. If there are no other custody or parenting time cases, or you don't know of any, mark the first box and GO ON. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
11. If you do not know of another person OTHER THAN THE OPPOSING PARTY who has physical custody of the child(ren) or is claiming custody or parenting time rights to the child(ren), mark the first box and GO ON. If you do know of such a person, put the information here, including the child(ren)'s name(s) and the person who believes they have a custody or parenting time claim. If there is such a person, you must include the person as a respondent in this court case.

D. Other statements to the court:

12. **VENUE**: This tells the court that one parent or the child(ren) live(s) here, so the court can make a decision about your case. Generally, if either one of the parents or the child(ren) are residents of Maricopa county, the case can be taken care of here, even if everyone is not a resident of this state and does not live in Maricopa County. AND, you also need to be sure that the respondent can legally be brought into the lawsuit. See comments on the first page for help on deciding this.
13. **DOMESTIC VIOLENCE**: This tells the court if there was domestic violence in the relationship, and relates to a request for joint custody, if you intend to ask for joint custody. If you are not sure what this means, see the **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE** on the first page of these instructions. Mark the box corresponding to your situation. If domestic violence has not occurred, GO ON.
14. **GENERAL DENIAL**: This tells the court that, even if you did not answer each and everything said in the Petition, you deny what you did not specifically address. This is extra protection for you.

REQUESTS MADE TO THE COURT FOR CUSTODY, CHILD SUPPORT and PARENTING TIME

This section of the Complaint/Petition formally requests that the court make Orders relating to parenting time.

1. **PARENTING TIME**: Describe who should get parenting time, and how the parenting time should be handled. Be very specific. Use detail.
2. **SUPERVISED PARENTING TIME TO THE NON-CUSTODIAL PARENT**: You may request supervised parenting time if the non-custodial parent cannot adequately care for the child(ren) or cannot do so without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the child(ren). You must explain in writing specifically **why** you believe the only parenting time allowed should be supervised parenting time.

3. **SUPERVISED PARENTING TIME:** Describe how you think this should be handled.
4. **OTHER ORDERS:** Mark this box only if you have made other requests of the court. If you mark the box, write the specific additional orders you are requesting the court to make that were not covered elsewhere in your Petition.

OATH AND VERIFICATION OF PARTY FILING THIS RESPONSE:

Sign this form in front of a notary public. By doing so you are telling the court that everything contained in the Visitation Response is **true**.

WHAT TO DO NEXT:

1. **COPIES OF RESPONSE:** After completing your ***“Response,”*** make **four (4) copies** before you file.
 2. **FILING THE RESPONSE AND PAYMENT OF COURT FEE:** File all four (4) copies and the original of your ***“Response”*** with the Clerk of the Court. **Be sure you file within the time limit set, or you might lose significant rights.** There is a filing fee, but if you qualify you might be able to have the fees deferred so that you can make a payment arrangement with the Court. Forms to request deferral are available at the Self-Service Center or at the filing counter. You do **not** need to send a copy of the fee deferral request to the Petitioner or his/her attorney. Make sure you receive all four (4) copies back from the Clerk and they have been stamped.
 3. **MAIL A COPY TO THE OTHER PARTY:** You need to mail or hand-deliver one copy to the other party. If the person is represented by an attorney, mail or hand-deliver the copy to the attorney whose name and address appears on the Petition in the upper right hand corner.
 4. **BRING TWO COPIES TO COURT ADMINISTRATION:** Take the copies for Court Administration or the judge assigned to your case:
 5. **In Phoenix:** Family Court Administration
Central Court Building, sixth (6th) floor
201 W. Jefferson
 - Northeast Phoenix:** take to Judge assigned to your case
Northeast Court Facility
18380 North 40th Street
 - In Mesa:** Court Administration
Southeast Court Facility, second (2nd) floor
222 E. Javelina Drive
 - In Surprise:** take to Judge assigned to your case
Northwest Court Facility
14264 West Tierra Buena Lane
- Court Administration Offices are open Monday through Friday, 8am until 5pm.
5. **KEEP THE LAST COPY FOR YOUR RECORDS:** You should always keep a copy of any document that you file with this Court.

Your Name: _____
 Your Address: _____
 Your City, State, ZIP: _____
 Your Telephone No: _____
 ATLAS #: _____
 Lawyer's Bar No.: _____
 Representing ☐ Self, (Without a Lawyer) OR
 Attorney for ☐ Petitioner OR ☐ Respondent

IN THE SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

Regarding the Matter of:

Case No. _____

(Name of Petitioner)

RESPONSE TO PETITION TO ESTABLISH FIRST COURT ORDER FOR PARENTING TIME ("Visitation")

AND

(Name of Respondent)

General Information:

1. INFORMATION ABOUT THE PETITIONER:

Name: _____
 Address: _____
 County of residence: _____
 Date of Birth: _____
 Occupation: _____
 Relationship to children for whom PARENTING TIME order is requested:
☐ Mother
☐ Father
☐ Other: (explain): _____

2. INFORMATION ABOUT THE RESPONDENT:

Name: _____
 Address: _____
 County of residence: _____
 Date of Birth: _____
 Occupation: _____
 Relationship to children for whom PARENTING TIME order is requested:
☐ Mother
☐ Father
☐ Other: (explain): _____

3. INFORMATION ABOUT CHILDREN FOR WHOM PARENTING TIME ORDER IS REQUESTED

Name: _____
 Birthdate: _____
 Current Address: _____

County of residence: _____
 Father: _____
 Mother: _____

Name: _____
 Birthdate: _____
 Current Address: _____

County of residence: _____
 Father: _____
 Mother: _____

Name: _____
 Birthdate: _____
 Current Address: _____

County of residence: _____
 Father: _____
 Mother: _____

Name: _____
 Birthdate: _____
 Current Address: _____

County of residence: _____
 Father: _____
 Mother: _____

Statements about paternity, custody, and child support:

4. INFORMATION ABOUT PATERNITY OF CHILD(REN): (check one box)

- ☐ An Order for Paternity is dated _____ from (name of court) which states that (father's name) _____ is the natural father of the child(ren). A copy of the order is in this court file. (See instructions)
- ☐ We do not have an order of paternity, but we do have a child support order (see instructions)

5. INFORMATION ABOUT CUSTODY OF THE CHILD(REN): (check one box)

- ☐ Mother has had physical custody of the child(ren) for the last 6 months, and I do not contest physical custody.
- ☐ Father has had physical custody of the child(ren) for the last 6 months, and I do not contest physical custody.
- ☐ A person other than mother or father has had physical custody of the child(ren) for the last 6 months, because of a court case, and I do not contest physical custody. (Describe court case)
- Names of Parties: _____
- Date of order or judgment (if one already entered) _____
- What order or judgment said: _____
- _____
- _____

Court Case Number _____

Location of court (city and state): _____

Explain Type of Case: (Criminal, Order of Protection, Injunction Against Harassment, Divorce, Paternity, etc.) _____

Status of Case Now

- ☐ Final Order Entered; Case is Over
- ☐ Hearing Date Set: On (date) _____ at (time) _____
at location/address: _____
- ☐ Other (explain in detail) _____
- ☐ A person other than mother or father has had physical custody of the child(ren) for the last 6 months, because of a government agency, and I do not contest physical custody. (Describe the agency -- for example, Child Protective Services -- date, type of case, and status of case right now.)

6. **INFORMATION ABOUT CHILD SUPPORT FOR CHILDREN:** An Order for Child Support is dated from (name of court) _____ which states that child support is established. Note: if order is from court other than Superior court in Maricopa County, see instructions)

Other information about the children:

7. **WHERE THE CHILDREN WHO ARE UNDER 18 YEARS OF AGE, HAVE LIVED FOR THE LAST 5 YEARS.** (Attach extra pages if necessary.)

Child's Name _____	Dates: From _____ To _____
Lived with _____	Relationship to child _____
Street address _____	City, State _____

Child's Name _____	Dates: From _____ To _____
Lived with _____	Relationship to child _____
Street address _____	City, State _____

Child's Name _____	Dates: From _____ To _____
Lived with _____	Relationship to child _____
Street address _____	City, State _____

8. **COURT CASES NOT INVOLVING CUSTODY OR PARENTING TIME RELATED TO THE CHILDREN UNDER 18 YEARS OLD:** (check one box) ☐ I HAVE OR ☐ I HAVE NOT been a party or a witness in court in this state or in any other state regarding the custody or parenting time of any of the children named above (If so, explain below, using extra pages if necessary. IF NOT, GO ON.)
- Name of each child: _____
- | | |
|-------------------------|----------------------|
| Court state _____ | Court location _____ |
| Court case number _____ | Current status _____ |
- How the child is involved: _____
- Summary of any Court Order: _____
- _____
- _____

9. **CUSTODY OR PARENTING TIME CASES RELATED TO CHILDREN UNDER 18 YEARS OLD:** (check one box) ☐ I DO HAVE OR ☐ I DO NOT HAVE information about a custody or parenting time court case relating to any of the children named above that is pending in this state or in any other state (If so, explain below, using extra pages if necessary. IF NOT, GO ON).

Case No. _____

Name of each child: _____
Court state _____ Court location _____
Court case number _____ Current status _____
Nature of the court proceeding: _____
Summary of Court order: _____

10. CUSTODY OR PARENTING TIME CLAIMS OF ANY PERSON: (check one box)

☐ I DO KNOW OR

☐ I DO NOT KNOW a person other than the Petitioner or the Respondent who has physical custody or who claims custody or parenting time rights to any of the children named above. (If so, explain below, using extra pages if necessary. IF NOT, GO ON).

Name of each child: _____
Name of person with the claim: _____
Nature of the claim: _____

11. SUMMARY OF WHAT I SAY ABOUT THE CHILDREN THAT IS DIFFERENT FROM WHAT THE OTHER PERSON SAYS: (here summarize what is different between what you say about the child(ren), and what the other party said) _____

Other Statements to the Court:

12. DOMESTIC VIOLENCE: ☐ Domestic violence has **not** occurred between the parties.

13. VENUE: This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of the Petitioner, or the Respondent, or the child(ren).

14. GENERAL DENIAL: I deny anything stated in the Petition that I have **not** specifically admitted, qualified, or denied.

REQUESTS I MAKE TO THE COURT ABOUT PARENTING TIME AND RELATED MATTERS:

1. ☐ Reasonable parenting time rights to (name) _____ as follows:

TRANSPORTATION will be provided by (name): _____ as follows: (explain)

During WEEKENDS (explain specifically) _____

Case No. _____

During the SUMMER MONTHS OR SCHOOL BREAKS: (explain specifically) _____

FOR HOLIDAYS AND BIRTHDAYS: (explain specifically) _____

FOR TELEPHONE CALLS: (explain specifically) _____

OTHER: (explain specifically) _____

2. (Complete and explain only if you want someone to have supervised parenting time:) Supervised parenting time with the child(ren) is in the best interests of the child(ren), pursuant to A.R.S. Section 25-337 and 25-338, because (explain reasons for supervision):

3. ☐ **Supervised Parenting Time** to (name) _____
only in the presence of another person, who is named by the court (suggestion below) upon a finding that supervised parenting time is in the best interest of the child,

Name of person to supervise: _____

Requested restrictions on parenting time: (explain here) _____

The cost of supervised parenting time shall be paid by:

- ☐ the parent being supervised;
☐ the parent having custody;
☐ shared equally by the parties.

4. **Other orders:** (Use this space here to write anything else you want the court to order) _____

Case No. _____

OATH AND VERIFICATION OF ☐ PETITIONER or ☐ RESPONDENT:

STATE OF ARIZONA)
County of Maricopa) ss

I swear under oath, state that I have read this response and all the statements are true and correct and complete to the best of my knowledge and belief.

SIGNED:

Subscribed and sworn to before me this _____ day of _____, 20

by _____

NOTARY PUBLIC:

My Commission Expires:

SELF SERVICE CENTER

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY PARENTING TIME ("Visitation") GUIDELINES

1. PURPOSE

These Guidelines are designed to provide assistance to the parents in the resolution of issues relating to parenting time and to provide assistance to the court in formulating access orders when the parents are unable to reach an agreement. The underlying purpose of any such agreement or order is to provide for the best interest of each child after giving full consideration to the facts and issues that are relevant to each family.

2. USES AND LIMITATIONS

These Guidelines are designed to be used by parents, their attorneys, family counselors and the Conciliation Services of the Court. Effective use of these Guidelines requires that each parent review the Guidelines from beginning to end prior to reaching any conclusion as to the appropriate resolution of each case. These Guidelines will have limited benefit unless each parent reviews the Guidelines fully. After the Guidelines have been reviewed, the parents should develop a child care plan that will be in the best interest of their own child(ren). To use these Guidelines properly, the parties are encouraged to seek the assistance of Conciliation Services. Conciliation Services are available in the form of either counseling or mediation of custody issues, both of which are available **at no charge**.

To facilitate negotiation by parties, a proposed plan of parenting time should be exchanged between the parents whenever the custodial arrangement is at issue. The custodial plans should be as detailed as reasonably possible, while at the same time allowing flexibility for changes, both by the parents and by the child(ren) if sufficiently mature.

The parents should meet annually or as needed to schedule the coming year. The use of a calendar for scheduling purposes is highly recommended. The parents' work schedules and the child(ren)'s school and extracurricular activities need to be considered when developing such a plan. This is especially true for those parents who do not enjoy a traditional work week. The plan should assign responsibility for transportation, cleaning (both clothes and child(ren)), homework and meals. While parenting time should be an enjoyable and enriching experience to both parents and child(ren), it is an obligation and responsibility for each parent as well as a right and a privilege. Both parents must also have a good faith commitment to developing and carrying out a parenting time plan. Arizona law requires that the court, "shall determine custody," in every custody order and in every modification of a custody order. While a court may enter an order regarding parenting time without the direct use of the word "custody," the order must, at some point, designate one parent as the custodial parent or must designate specific periods of time that each parent is the custodial parent.

3. ASSUMPTIONS

These Guidelines are based on the premise that:

- A. Both parents are fit.
- B. Both parents desire to have an ongoing relationship with each child.
- C. Both parents are able to carry out the childcare plan.
- D. Any negotiated solution with meaningful input from the parents and, where applicable, the child(ren), is preferred to a court imposed solution.
- E. It is usually in the child(ren)'s best interest for each parent to have frequent, meaningful and continuing access to the child(ren).

- F. That the child(ren) need(s) reliability, predictability and consistency on the part of each parent.
- G. That frequent, meaningful and continuing access to each parent offers the child(ren) a sense of significance--"I am a person, I am important and I count."
- H. That the child(ren) need(s) continuous access, direct experience and openness of communication with each parent and an absence of involvement in the mutual blaming of the parents.

4. GENERAL RULES

Experience has dictated a number of common sense guidelines that should be followed in every case. Some of these guidelines are also supported by law. Except as otherwise ordered by the court:

- A. Both parents are entitled to access to records and information on the medical care of the child(ren) directly from the health care provider as well as from the other parent. Each parent should notify the other promptly of any significant medical treatment.
- B. Both parents are entitled to access to all school records of the child(ren) directly from the school as well as from the other parent. School reports should be photocopied promptly after receipt and supplied to the other parent. Both parents should be notified promptly of all child-related activities which encourage or allow parental participation.
- C. Both parents are reminded that parenting time and child support, while they may be emotionally connected, are separate legal issues. Arizona law provides that parental access may not be denied due to the failure to pay child support. It also provides that child support may not be withheld due to the failure of a parent to allow access.
- D. Parents should share with each other their residence and work addresses and phone numbers.
- E. Each parent should encourage the child(ren) to initiate telephone and/or mail contact with the other parent on a regular basis.
- F. The parents should not discuss their marital problems with the child(ren). They should not try to turn the child(ren) against the other parent by discussing with the child(ren) the shortcomings of the other parent.
- G. The parents should not attempt to buy the favor of the child(ren) with presents, special treatment, special privileges or promises.
- H. Parents should not make their child(ren) choose between the two parents.
- I. Parents should not question their child(ren) regarding the activities of the other parent.
- J. Parents should not make promises that cannot be kept.
- K. Parents should not fight with the other parent in the presence of their child(ren).
- L. Parents should be prompt with appointments with the child(ren). It is unfair to keep a child waiting, and worse, to disappoint the child(ren) by not showing up at all. When unforeseen circumstances prevent compliance within approximately 15 minutes of the scheduled time of exchange, immediate notification should be given, if possible, and appropriate alternative arrangements should be made. Alternative arrangements may include delayed scheduling, make-up access, or skipped access. For those occasional circumstances when a parent cannot meet the prearranged schedule, that parent should

be responsible for the reasonable expenses incurred for child care, unless otherwise mutually agreed upon by both parents.

- M. Parents should coordinate plans regarding bedtime, discipline, homework schedule and other household rules.

5. FACTORS FOR BASIC AND OPTIONAL ACCESS

The plan for basic and optional access is designed to allow the parents, and the court if necessary, to select the proper child care plan depending upon the family circumstances. Basic access is designed to be just that, a minimum level of access which would apply to a large number of families without further modification. For families considering the optional access, consideration of the following factors are important:

- A. The geographic location of each parent;
- B. Each parent's willingness and ability to perform the child care duties associated with the child(ren), relative to the child(ren)'s stage of development such as feeding, changing, bathing, preparing the child(ren) for school, taking responsibility for the child(ren)'s homework, etc.;
- C. Each parent's ability to care for the child(ren)'s needs (historical involvement alone is not the critical focus; rather, a parent's willingness and ability to learn the necessary skills should be a determining consideration);
- D. The lack of hostility between the parents;
- E. The ability of both parents' work schedules and the child(ren)'s schedule to accommodate extended access;
- F. The child(ren)'s age(s) and strength of attachment to each parent;
- G. The child(ren)'s relationship with his/her friends; and
- H. The regular and consistent access that has been maintained by the visiting parent under the basic access plan along with a desire to increase the time commitment.

Arizona law establishes certain criteria to be met prior to the entry of an order for joint custody. Optional access which approaches an award of joint custody requires compliance with the statutory joint custody criteria.

6. PARENTING TIME

The following guidelines provide various programs for parenting time plans.

A. Infant up to Age Six Months

- 1. **Basic Access:** Ideally, access should be brief but frequent throughout the week. For those parents whose schedules permit, access is recommended three times a week at two hours each for the early months. As the child progresses to the age of six months, an additional four hours should be added during the day on the weekend. For those parents unable to have the frequent access, which is recommended, the alternative would be a four-hour access on the weekend.

2. **Optional Access:** Optional access includes one or more of the following: One access each week following birth and progressing to a total of three to four access times per week at four hours each with a weekend overnight suggested.

B. Six Months to Three Years

1. **Basic Access:** Provided regular access between parents and child(ren) has been maintained, access from six to twelve months should include the day of Saturday, and starting from twelve months to three years, access should progress up to alternate weekends (Saturday a.m. to Sunday p.m.) and one mid-week (not overnight).
2. **Optional Access:** Optional access includes one or more of the following: extending the weekend so that it begins on either Friday or Thursday; allowing additional weekday access; allowing a mid-week overnight access.

C. Three Years to Five Years

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional) in alternate weeks. Holidays should be either shared or alternated.
2. **Optional Access:** Optional access includes one or more of the following: begin the weekend on Thursday; end the weekend on Monday or Tuesday; split or alternate the week; one to two mid-week overnights in alternating weeks.

D. Six Years to Twelve Years

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional). Holidays should be either shared or alternated.
2. **Optional Access:** Optional access includes one or more of the following: begin the weekend on Thursday; end the weekend on Monday or Tuesday; split or alternate the week; one to two mid-week overnights in alternating weeks; add a third weekend per month.
3. **Comment:** As the child(ren) reach junior high, increasing consideration should be given to the child(ren)'s activities; a less structured and more flexible schedule is recommended. Regardless of how unstructured or flexible the schedule is, access must still occur on a regular basis.

E. Thirteen Years and Older

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional). Holidays should be either shared or alternated.
2. **Optional Access:** Additional access as may be arranged between both parents and child(ren).
3. **Comment:** At this age, parents should make individual arrangements for each child regardless of the formal custody arrangements. All schedules, time-sharing, vacation schedules and holidays must remain flexible to accommodate the activities and interest of each child. Direct discussions are encouraged between parents and the child(ren) to formalize the parenting time plan for this age range. The basic access plan described above for this age range is simply a "minimum" plan for those families without any other agreement.

F. Child Care

When one parent will be absent from the home for an extended period of time, the child(ren) should spend the period of absence with the other parent, assuming such plan is appropriate for the child(ren). This also assumes that geographic location of both parents, the child(ren)'s age(s) and outside activities and the parent's work schedules all accommodate the arrangement.

The period of absence which triggers the exchange will vary depending upon the circumstances of the parties. As the hostility level between the parents is reduced, the period triggering the exchange is reduced. This allows additional access between parent and child(ren) and has additional advantage of eliminating the expense for extended care providers.

G. Holidays

Holidays are to be alternated or shared between the parents. The child(ren) should be with mother on Mother's Day and with father on Father's Day.

H. Extended Access/Vacation

Infants and children up to school age should be permitted to have extended access to the other parent on an increasing time basis. It is important to note that for children up to three years of age, the child(ren) should not be deprived of contact with the primary parent for more than one week at a time. For children ages three years to school age, the child(ren) ordinarily should not be deprived of access to the other parent for more than two consecutive weeks. For children six years and older, the basic vacation access should be in the range of two to four weeks with optional access extending up to ten weeks or so. For children in junior high and high school, parents should consider the comments in sections D and E above.

Each parent is entitled to two uninterrupted weeks for out-of-town travel. Except for the two weeks of out-of-town travel, the parent exercising the vacation access time is to allow the other parent the equivalent parenting time that the vacationing parent enjoys during the remainder of the year. The child(ren) should return from vacation at least one week prior to the start of school.

7. PARENT/CHILD ACCESS-LONG DISTANCE

Children under the age of five should not travel alone unless appropriate travel arrangements have been made. Access, including overnights, should be given when a parent is traveling to the community in which the child(ren) lives, provided a minimum of 48 hours notice is given to the other parent. If the parent and child(ren) travel to the other parent's community, similar access should be arranged. During periods of long distance access, access shall be given the other parent.

A. Pre-Kindergarten Age

Access should be provided during the summer and at other times with consideration given to access periods of two to six weeks.

B. Summer Access-School-Age Child

Summer access of four to ten weeks is suggested with consideration for the child(ren)'s employment, organized activities and other outside activities. Consideration should also be given to such factors as the amount of time that the child(ren) has been apart from the other parent, the facilities for the child(ren) available to the other parent who will have summer access,

arrangements that are made for the child(ren)'s care during the summer access, as well as the need for establishing and/or maintaining a relationship with the parent who has summer access.

C. School Year Access-School-Age Child

School year access is suggested, provided it coincides with the child(ren)'s school holiday times.

D. Additional Access

Additional access during the school year is recommended, in particular, on the extended weekends (three-day weekends), provided that the additional access is logistically possible based upon the distance, available transportation, schedule of the children and the parties, and the lack of interference with the child's ongoing schooling.

8. FACTORS FOR LIMITATIONS

There are some families that cannot justify basic access, and reference should then be made to ARS 25-337 and other applicable laws.

9. DEFINITIONS

In the absence of an agreement of the parties or an order of the court, the following terms shall have the meanings set forth below:

- A. **Day:** Up to eight consecutive hours;
- B. **Weekend:** From 5:30 p.m. Friday to 6:00 p.m. Sunday;
- C. **Mid-Week (Not Overnight):** From 5:30 p.m. to 8:00 p.m. In the absence of an agreement as to the day, this shall be on Wednesday;
- D. **Mid-Week (Overnight):** From 5:30 p.m. to 8:00 a.m. In the absence of an agreement as to the day, this shall be Wednesday night;
- E. **Holidays:** This typically includes Thanksgiving, Christmas and Spring break. It also includes such other holidays or days of special observance as per the agreement of the parties or order of the court;
- F. **Long Distance:** Either the court or the parties may define long distance after considering the distance between the parties, the time necessary for travel, the convenience and expense of travel, the availability of resources and other alternatives.

**ALTERNATIVE DISPUTE RESOLUTION (ADR)
STATEMENT TO THE COURT-- FAM CT**

Procedures: When and How to Use the ADR Statement to the Court

On December 1, 2001, a change in the Arizona Rules of Civil Procedure (A.R.C.P. 16(g) imposed a duty on parties in any dispute before the courts to talk to each other (by telephone or in person) about the possibility of settlement and about whether some type of **ADR (Alternative Dispute Resolution)** process might help them to reach settlement. The Rule requires the parties to report to the court that they have discussed settlement or ADR, to inform the court about which ADR process (if any) they prefer, and when they expect to complete the process. Some of the various forms of ADR are explained on the following pages.

After a response is filed . . .

- (1) The Respondent must then immediately mail or deliver a blank copy of the ADR statement (and these instructions) to the Petitioner along with a copy of the response that was filed.** (If either party is represented by an attorney, all communications should be sent directly to the attorney.)
- (2) The parties must meet (in person or by telephone), within 90 days of the filing of the response with the court (not the date the response is delivered to the petitioner). If you have not discussed these matters with the other party as required, be prepared to explain to the court the reasons.** ("Inconvenience" is not an acceptable reason.)
- (3) Within 30 days AFTER you meet, and NOT LATER THAN 120 DAYS AFTER THE DATE THE RESPONSE WAS ORIGINALLY FILED WITH THE CLERK OF COURT you must file the "Alternative Dispute Resolution Statement to the Court."**

You may file earlier, but not later than 30 days after discussing your ADR options with the other party. If you cannot agree to file together on one form (jointly), then you must both file your own forms separately. If you have not discussed these matters as required, you must *file your separate forms* within 120 days after the date the Response was filed. There is no charge for this filing. Keep a copy of the completed form for your records.

GO TO THE COURT TO FILE YOUR PAPERS: The Court is open from 8am-5pm, Monday-Friday. You should go to the court at least **two hours** before it closes. You may file your court papers at the following Superior Court locations:

The Clerk of the Superior Court
CENTRAL COURT BUILDING
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

OR

The Clerk of the Superior Court
SOUTHEAST COURT FACILITY
222 East Javelina Drive, 1st floor
Mesa, Arizona 85210

OR

The Clerk of Superior Court
NORTHWEST COURT FACILITY
14264 West Tierra Buena Lane
Surprise, Arizona 85374

The Clerk of the Superior Court
NORTHEAST REGIONAL COURT CENTER
18380 North 40th Street
Phoenix, Arizona 85032

INFORMATION ABOUT ADR (ALTERNATIVE DISPUTE RESOLUTION) PROCESSES

ADR is any peaceful alternative to the courtroom process that helps parties in court disputes reach settlement without having the judge decide all issues. Court sponsored ADR programs are currently available at no extra cost, or you may choose to hire a private ADR provider at your own expense. There are different types of ADR processes, several of which, including mediation, arbitration, and settlement conferences, are explained below.

The purpose of ADR is to encourage settlement of family court cases.

Benefits of ADR include, but are not limited to:

- ADR provides parties opportunity to resolve disputes more quickly and less expensively than a full trial.
- ADR provides parties more control over the outcome in a negotiated settlement.
- ADR provides parties greater satisfaction with results than litigation.
- ADR provides parties a greater chance of establishing or maintaining a working relationship.

COURT SPONSORED ADR OPTIONS (There is currently no extra charge for these services.)

MEDIATION OR OPEN NEGOTIATION through CONCILIATION SERVICES of child custody or parenting time (formerly “visitation”), are court-sponsored ADR alternatives where parties work with a neutral third party (the “mediator” or “negotiator”) to reach mutual agreement on future parenting responsibilities. Parents choosing to mediate or negotiate through Conciliation Services are **required** to attend a minimum number of mediation sessions.

Mediation offers parents an opportunity to make their own decisions about their child(ren)’s future care. The mediator, a neutral counselor, works with parties to reach agreement regarding custody and/or parenting time. Mediation conferences are private and confidential. Nothing said or written during mediation may be disclosed unless all parties to the mediation give their consent. The mediator helps parents identify their child(ren)’s needs and each parent’s ability to meet those needs, by restructuring family relationships. Together, they generate options and consider choices to develop a workable parenting plan that meet the child(ren)’s best interests. Parties who reach agreement in mediation have a 14 day “objection period” to raise any concerns or points of confusion contained in the agreement. If no objections are raised, the Parenting Plan is adopted as an order of the court, which makes it binding on the parties.

Open negotiation is a process similar to mediation, in that the negotiator helps parties identify their child(ren)’s needs, and how they will meet those needs in the future. However, open negotiation is NOT confidential. Parties meet with the negotiator to try to resolve their differences. If they are unable to agree, the negotiator may give feedback to the court on areas of agreement and disagreement. In addition, attorneys are entitled to be present in open negotiation sessions, if they so choose.

SETTLEMENT CONFERENCES are pre-trial meetings between the parties, their attorneys (if represented) and the conference officer, where they attempt to settle all issues in dispute before going to trial. The judicial officer helps parties evaluate the strengths and weaknesses of their case and may also suggest ways to resolve disputed matters, but they will not decide the case or make recommendations to the Court.

PRIVATE PROVIDER OPTIONS (You are responsible for all costs.)

In Private Mediation, parties work with a neutral third party (the mediator), who helps them identify their needs and explore viable options to settle all issues surrounding their Family Court case, including custody, parenting time, child support, property division, etc. With the aid of the mediator, the parties can determine the outcome of their case. A roster of private mediator is available through the Court’s Self-Service Center. You can access the Family Court Mediator Rosters at:

Phoenix – 101 West Jefferson, 1st Fl. M – F, 7:30am – 5:00pm
Mesa – 222 East Javelina, 1st Fl. M – F, 8:00am – 5:00pm
Surprise- 14264 West Tierra Buena Lane, M – F, 8:00 am – 5:00 pm
North Phoenix – 18380 North 40th Street, M – F, 8:00 am – 5:00 pm

Internet – www.superiorcourt.maricopa.gov/ssc (Then click on “lawyers & mediators”)

In Private Settlement Conference, the ADR neutral helps parties reach settlement by taking a more directive approach than in mediation. The neutral will focus on the conflict’s legal issues, realistically evaluating case strengths and weaknesses, and actively suggesting and weighing options for the parties to consider, as they attempt to resolve their case.

In Private Arbitration your case is submitted to one or more neutral individuals, who after receiving evidence and hearing arguments have the power to make a decision resolving the dispute (unlike mediation, where the mediator does not make a decision for the parties). In arbitration, parties may limit the range of issues to be decided or the scope of relief to be awarded and arbitration may be binding or non-binding. When parties agree to binding-arbitration, the arbitrator's decision is final; it can be enforced by the court and may not be appealable. When arbitration is non-binding, the arbitrator's decision is advisory and will be final only if parties agree to adopt it. . Some arbitration providers are listed in the Yellow Pages under "Arbitration Services".

Private Judging involves hiring an individual, usually an experienced attorney or former judge, to act as a judge in your case. The person acting as judge listens to each party present their case and makes a decision. The decision is usually legally binding (has the force of law) but may be advisory (a suggested solution), depending on what the parties agree to in advance. Attorneys may be consulted at any time. The proceedings are private and confidential. The decision may be made part of a court judgment or ruling as well.

OTHER PRIVATE OPTIONS: Private ADR providers may offer additional options or variations on those already described. Some may also offer evening or weekend hours or other conveniences. Some churches or other religious or social service organizations may also offer family counseling, arbitration or mediation services. You may also find additional providers listed in the Maricopa County Directory of Human Services and Self-Help Support Groups, available at public libraries or by phone at 602-263-8856.

You may also find private providers in the Yellow Pages under "Arbitration" and "Mediation." Be aware that there are differences among private providers. While some are trained specialists, counselors, and attorneys, others are not. There are no licensing or minimal educational requirements to advertise as a mediator, arbitrator, or alternative dispute resolution provider.

As with hiring any private business for service, we recommend asking friends and relatives for referrals for any of the services mentioned above. You are responsible for all costs involved in using private providers.

Name: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime Phone Number: _____
 Evening Phone Number: _____
 Representing: ☐ Self ☐ Petitioner ☐ Respondent
 State Bar Number: _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

 Petitioner

Case No. _____

ATLAS No. _____

 Respondent

ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT A.R.C.P. 16(g)(2)

Check appropriate box below:

☐ Petitioner's Statement

☐ Respondent's Statement

☐ Joint Statement (signed by both parties)

Pursuant to the Arizona Rules of Family Law Procedure, we hereby state the following, under penalty of perjury:

1. ☐ The parties agree to participate in the following Alternative Dispute Resolution (ADR) process and:
 - a. have selected the following ADR process:
 - ☐ Arbitration
 - ☐ Mediation
 - ☐ Settlement Conference
 - ☐ Other: _____
 - b. ☐ The parties will use a private provider OR
☐ The parties request a program provided through the court.
 - c. The person or company providing the ADR service is: _____
 - d. The parties expect to complete the ADR process by _____, ____.
2. ☐ The parties have been unable to agree on an ADR process.
 - ☐ The ☐ Petitioner ☐ Respondent believe(s) that the following ADR process would be appropriate: _____
 - ☐ The ☐ Petitioner ☐ Respondent request(s) a conference to discuss ADR.
 - ☐ The ☐ Petitioner ☐ Respondent believe(s) that an ADR process would not be appropriate for the following reason: _____

 Date

 Petitioner

 Date

 Respondent